THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8305 of 2007

Dated: 20.04.2007

Between:

Putta Govind Raju.

..... PETITIONER

AND

The Regional Joint Commissioner, Endowments Department, Visakhapatnam, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.8305 of 2007

ORDER:

The petitioner is allegedly owner of land admeasuring 198 sq. yards in survey No.173/1 situated at Vepugunta Village, Gopalpatnam Mandal, Visakhapatnam District. He statedly obtained necessary permission and constructed house bearing No.24-74 with all amenities. He alleges that second respondent is trying to interfere with his peaceful possession of the land alleging that the land belongs to Sri Varaha Lakshmi Narasimha Swamy Temple, Simhachalam. Aggrieved by the same, instant writ petition is filed seeking a writ of Mandamus declaring the action of the respondents as illegal and arbitrary.

In paragraphs 5 and 7 of the affidavit accompanying the writ petition, the petitioner vaguely alleges that the executive officer of second respondent temple is interfering with his peaceful possession. The details or particulars of such interference are very conspicuous by absence. Secondly the petitioner claims that he purchased the property from Thavala Veer Venkata Subba Rao Naidu under a registered sale deed dated 03.03.1993. The details of the title of the petitioner's vendor are again absent. In the absence of these details, this Court cannot accept the allegation of the petitioner. However, this Court observes that if the petitioner is in possession of the land belonging to second respondent temple, necessary procedure under Section 83 of the Andhra Pradesh Charitable & Hindu Religious Institutions and Endowments Act, 1987, may be followed. Except making such observation, no relief can be granted to petitioner.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

20th April, 2007

ghn